IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44935 of 2026

CNR No. BRHC010609132026

Arising Out of PS. Case No.-197 Year-2025 Thana- BALIGAON District- Vaishali

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Harish Kumar Son of Umesh Sahni Resident of Village- Agrail Dih, P.S. -Baligaon, District -Vaishali

... ... Petitioner/s

Versus

1. The State of Bihar
2. X Wife of Y Resident of Village- Agrail Dih, P.S. -Baligaon, District -Vaishali

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vasant Vikas, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 04-11-2026 Heard learned counsel for the petitioner and learned APP for the State. Despite information being given to O.P. No.2 through learned APP for the State, none appears on her behalf. Perused the case diary.

2. The petitioner seeks bail in connection with Baligaon P.S. Case No. 197 of 2025 instituted for the offence under Sections 137(2), 96 & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case, in short, is that petitioner had allegedly kidnapped the minor daughter of the informant.

4. It has been submitted on behalf of the petitioner

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that the petitioner is in custody since 27.01.2026. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Referring to statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that victim has stated that she has performed marriage with the petitioner without any coercion and she was in love affair with the petitioner. It is further stated in her statement that she has left her house on her own volition. There is delay of six days in lodging the FIR. Charge sheet has already been submitted in this case under Sections 137(2) & 96 of the Bharatiya Nyaya Sanhita, 2023 and Section 8 of the POCSO Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner by contending that victim is minor and there is no value of her consent in the eye of law.

7. Considering the aforesaid facts and circumstances of the case and particularly taking into account the fact that victim is minor, this Court is not inclined to grant bail to the petitioner. Prayer for grant of bail to the petitioner is ***rejected*** at

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this stage.

8. The Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments preferably within a period of five months.

9. However, petitioner will be at liberty to renew his prayer for bail in the Court below, if the trial is not concluded within a period of five months from the date of receipt/production of a copy of this order.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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